

TRUSTEE'S CONFIRMATION REPORT – 8/11/17

DEBTOR: Carlos T & Ruby Martinez  
ATTORNEY: John Wieser, Esq.

CASE NO.: 16-21329-PRW  
ATTORNEY FEES: \$ 2500  
Additional Attorney Fees: \$

I. TRUSTEE RECOMMENDATION:  Plan Recommended  Plan Not Recommended

II. PLAN FILED DATE: 11/30/16 (BK ECF No.2 )

A. PAYMENTS: \$ 2150 per monthly

B. REPAYMENT:

To secured creditors	\$132,446	with interest \$198,384
To priority creditors	\$ 7,567	
To unsecured creditors	\$ 3,715	100% + 4.75%
General unsecured debt	\$ 3,775	(uib)
Duration of Plan	5+	years
Total Scheduled Debt	\$ 97,520	incl. mortgages

C. FEASIBILITY:

Monthly Income	\$7628.50	(net) \$7628.50	(gross)
Less Estimated Expenses	\$5453.00		
Excess for Wage Plan	\$2175.50		

D. OBJECTIONS to Confirmation:

1. The tasklist, filed on 1/19/17 at BK ECF No. 21, has not been completed.
2. Since the entire Wells Fargo Mortgage is being paid in full under the plan, it should be paid with the Till rate of interest;
3. The plan must address the secured proof of claim filed by Wells Fargo for furniture.
4. The plan must address the secured proof of claim filed by NYS Tax.
5. A proof of claim must be filed for the City of Rochester.
6. If all of the claims are allowed as filed the plan cannot be completed in 5 years.

E. Other comments:

<input type="checkbox"/> risk factor 3 because of prior bankruptcies	<input type="checkbox"/> need mortgages eliminated
<input type="checkbox"/> need judgments removed	<input type="checkbox"/> need motions to value collateral
<input type="checkbox"/> need appraisals of real estate and personal property	<input type="checkbox"/> need proof of surrender efforts
<input type="checkbox"/> need certification of post petition DSO payments.	
<input type="checkbox"/> other:	

### III. TREATMENT OF SECURED CLAIMS/LEASE ARREARS:

<u>Creditor</u>	<u>Amt of Claim</u>	<u>Security Claimed</u>	<u>Perfected</u>	<u>Plan Treatment</u>	<u>Monthly Pmt</u>
NYS	\$21,261.49	Sales tax warrant	11/28/12	None	
ATF	\$ 3676.39	R/P taxes	Yes	Full	\$61.00
ATF	\$ 2840.10	R/P taxes	Yes	Full	\$48.00
ATF	\$ 1850.13	R/P taxes	Yes	Full	\$31.00
ATF	\$ 2964.82	R/P taxes	Yes	Full	\$50.00
ATF	\$ 3222.02	R/P taxes	Yes	Full	\$82.00
ATF	\$ 3709.40	R/P taxes	Yes	Full	\$62.00
ATF	\$ 2969.90	R/P taxes	Yes	Full + 18%	\$76.00
ATF	\$ 3707.75	R/P taxes	Yes	Full + 18%	\$95.00
ATF	\$ 4239.48	R/P taxes	Yes	Full + 18%	\$108.00
ATF	\$ 4845.75	R/P taxes	Yes	Full + 18%	\$124.00
City of Rochester	No claim	R/P taxes	Yes	\$2305.21 + 12%	\$51.28
City of Rochester	No claim	R/P taxes	Yes	\$2849.70 + 12%	\$63.39
Community Bank	\$ 3827.16	'01 Toyota Avalanche	Yes	Full + 5.50%	\$34.12
Monroe County Treasury	\$42,893.54	R/P taxes	Yes	Full +18%	\$1090.00
Wells Fargo Home Mtg	\$23,736.03	Mortgage	Yes	Full + 0%	\$396.39
Wells Fargo	\$ 1548.15	Furniture	?	None	

### IV. SPECIAL PLAN PROVISIONS:

#### A. CLASSIFICATION of unsecured creditors: *Not applicable*

Class 1:	%	\$
Class 2:	%	\$
Class 3	%	\$

#### B. Rejection of executory contracts:

#### C. Other Plan Provisions:

### V. BEST INTEREST TEST:

#### A. All assets were listed.

#### B. Total market value of assets: \$ 267,164

Less valid liens	\$89,145
Less exempt property	\$99,159
(Available for judgment liens )	
Subtotal	\$78,860
Less est. Chapter 7 fees	\$ 7,193

#### C. Total available in liquidation \$71,667

#### D. Best interests including present value \$78,834

Less priority claims	\$ 7,567
(Support \$ )	

#### E. Amount due to unsecured \$71,267

#### F. Amount to be distributed to unsecured creditors \$ 3,715

#### G. Nature of major non-exempt assets:

VI. OTHER:

- A. Debtor(s) states that the plan is proposed in good faith with intent to comply with the law.
- B. Debtor(s) states that to the best of its knowledge there are no circumstances that would affect the ability to make the payments under the plan.
- C. (If a business) The Trustee has investigated matters before him relative to the condition of debtor's business, and has not discovered any actionable causes concerning fraud, dishonesty, incompetence, misconduct, mismanagement or irregularities in managing said business.
- D. Debtor requests no wage order because:  disability or retirement,  self employed,  risk of job loss,  other
- E. Converted from Chapter 7 because: Non Applicable.

/S/

GEORGE M. REIBER, TRUSTEE